# EXHIBIT 7

			CIRCUIT COURT
			Received & Filed
VIRGINIA:			7.45 A
	IN THE CIRCUIT COUR	T FOR THE CITY OF ROANOR	Œ JUN 0 6 2014 /
			EV ORMET SAMORE
SANDRA F. A	RTIS,	)	Deputy Clerk
		j	CITY OF ROANOKE
	Plaintiff,	)	
v.		)	
		) Case N	lo. CL13-1105
INSIGHT HEA	LTH CORP., et al.	)	
		)	
	Defendants.	)	

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580)

Robert F. Redmond, Jr. Esq. (VSB No. 32292)

Diane Flannery, Esq. (VSB No. 85286)

Christopher E. Trible, Esq. (VSB No. 48847)

Clement D. Carter, Esq. (VSB No. 46038)

Samuel T. Towell, Esq. (VSB No. 71512)

S. Virginia Bondurant, Esq. (VSB No. 76516)

McGUIREWOODS LLP

One James Center

901 East Cary Street

Richmond, VA 23219

Telephone: (804) 775-1000

Facsimile: (804) 775-1061

sbusch@mcguirewoods.com

dflannery@mcguirewoods.com

rredmond@mcguirewoods.com

ctrible@mcguirewoods.com

ccarter@mcguirewoods.com

stowell@mcguirewoods.com

vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)

Heather L. Carlton, Esq. (VSB No. 84752)

McGUIREWOODS LLP

Court Square Building

310 Fourth Street, N.E.

Suite 300

Charlottesville, VA 22902-1288

Tel: (434) 977-2500

Fax: (434) 980-2222

jneale@mcguirewoods.com

hearlton@meguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57677289\_1

Case 1:13-md-02419-RWZ Document 1285-7 Filed 07/21/14 Page 5 of 164

## EXHIBITA

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### **ORDER**

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 2 of 3

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	•	/s/Rya W. Zobel
DATE		RYA W. ZOBEL
		UNITED STATES DISTRICT JUDGE

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 3 of 3

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

VIRGINIA:				CIRCUIT COURT
	IN THE CIRCUIT COURT FOR TH	E CITY	OF ROANOKE	Received & Filed
	NA BENDER, EXECUTOR OF THE RALPH JAMES IRACE, JR.,	)		By Deputy Clerk CITY OF ROANOKE
	Plaintiff,	) )	Case No. CL13-5	•
V.		)		
INSIGHT HEA	ALTH CORP., et al.	)	•	
	Defendants.	)		

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57678021\_1.DOCX

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### **ORDER**

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	LIMITED STATES DISTRICT HIDOR

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

	Case	Docket No.	Filed	Court
1. Trudy	1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James	2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Paulir	3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Cheste	4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barba	5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana	6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zacha Benjar al.	7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richai	8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Roberi	9. Robert Earl Harris, Ir. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Rando	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Jr., Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

			CIRCUIT COURT Received & Filed
VIRGINIA:	IN THE CIRCUIT CO	URT FOR THE CITY OF ROANG	DKE JUN DE 2014
DANA MARL	ENE BRADLEY,	)	Deput Ciell CITY OF ROANOKE
	Plaintiff,	)	V
<b>V.</b>		) ) Case	No. CL12-2576
INSIGHT HEA	ALTH CORP., et al.	)	
	Defendants.	)	

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

Ju <u>ne 5, 2014</u>	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

*[REMOVING COUNSEL]* 

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v Insioht Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
'19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

VIRGINIA:		:		
	IN THE CIRCUIT COURT FOR T	HE CITY OF	ROANOKE	CIRCUIT COURT
PATRICIA S. F	BROWN, JOHN D. SPICER, AND	)		Received & Filed
JENAE S. PAT	SELL, EXECUTORS OF THE	)		JUN 0 6 2014 //
ESTATE OF LO	OUISE B. SPICER, DECEASED,	)		BY LIMB H HUM
	Plaintiffs,	)		Deputy Clerk CITY OF ROANOKE
V.		) ,		
		)	Case No. C	CL13-607
INSIGHT HEA	LTH CORP., et al.	)		
	Defendants.	)		

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57677835\_1.DOCX

## EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

Ji	une 5, 2014		/s/Rya W. Zobel
·	DATE		RYA W. ZOBEL
	+ 14.	 _	UNITED STATES DISTRICT JUDGE

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 3 of 3

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § 157(b)(5):

Case	D	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CT	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CI	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CT	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CF	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	J	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CI	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	+2	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CI	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CT	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CT	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

CIRCUIT COURT

	Received & Filed
VIRGINIA: IN THE CIRCUIT COURT FOR THE	
RONNIE A. BROWN	Deputy Clerk  CITY OF ROANOKE
Plaintiff,	)
v.	) Case No. CL13-538
INSIGHT HEALTH CORP.	)
JOHN M. MATHIS, MD	)
ROBERT F. O'BRIEN, MD	
AND	
IMAGE GUIDED PAIN MANAGEMENT, P.C.	)
Defendants.	)

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

# **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57680218\_1

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

# <u>ORDER</u>

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014 /s/Rya W. Zobel

DATE RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE

## **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

			,
Case	Docket No.	Flied	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir. Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

VIRGINIA:	IN THE CIRCUIT COURT	Γ FOR THE CITY OF ROANOK	Received & Filed
RONALD T. O	COURTNEY,	)	Deputy Clerk  CITY OF ROANOKE
	Plaintiff,	)	OF HOANORE
V.		) Case No	o. CL13-0417
INSIGHT HEA	ALTH CORP., et al.	) )	
	Defendants.	) ,	

CIRCLIIT

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

# **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57679251 1.DOCX

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

## ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
,	UNITED STATES DISTRICT JUDGE

# **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC; et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

-					CIRCUIT COURT
					Received & Filed
VIRGINIA:	•				JUN 0 6 2014 /
	IN THE CIRCUIT CO	URT FOR TH	E CITY OF R	OANOKE	By some Physics
TRUDY R. EP	PERLY,		)		CITY OF ROANOKE
	Plaintiff,		)		
V.	Tumiy,	· .	)		
INSIGHT HEA	ALTH CORP., et al.		)	Case No. C	L12-2571
	Defendants.		)		

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

# CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virgimia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400

Counsel for Plaintiff

sexton@gentrylocke.com

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57677763\_1.DOCX

# EXHIBITA

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

# ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 3 of 3

**EXHIBIT B** 

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

3

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

	Case	Docket No.	Filed	Court
-	1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2.	2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3.	3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4.	4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. 1	5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. 1	6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. 1	7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. 1	8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. 1	9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10.7	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11.	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 2 of 2

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaumus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Raiph James Irace, Ir Deceased v Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

			CIRCUIT COURT Received & Filed
VIRGINIA:	IN THE CIRCUIT CO	OURT FOR THE CITY OF ROANOKE	JUN 0 6 2014  By July 12 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
BARBARA J. F	TILSON	)	Deputy Clerk OCITY OF ROANOKE
V.	Plaintiff,	) )	
		) Case No. (	CL12-2575
INSIGHT HEAD	LTH CORP., et al.	)	
	Defendants.	)	

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

# **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

## **ORDER**

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. ORDERED that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	_	/s/Rya W. Zobel
DATE		RYA W. ZOBEL
		UNITED STATES DISTRICT JUDGE

# **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
5. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

VIRGINIA:			•	CIRCUIT COURT
	IN THE CIRCUIT COURT FOR TH	E CITY OF R	OANOKE	Received & Filed
	CAS FOUTZ, A MINOR, BY HIS	)		\ JUN 0.6.2014
PARENTS ANI	) NEXT FRIENDS, BENJAMIN T.	)		1 Minnell (Umany)
FOUTZ AND A	NDREA L. FOUTZ,	)		Deputy Clark
	Plaintiffs,	)		CITY OF ROANOKE
v.		)		
		)	Case No. (	CL13-09
INSIGHT HEAT	LTH CORP., et al.	)		
	Defendants.	· )		

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

## EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: [DATE OF REMOVAL] [LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
5. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

### Case 1:13-md-02419-RWZ Document 1285-7 Filed 07/21/14 Page 84 of 164

					CIRCUIT COURT Received & Filed
VIRGINIA:	IN THE CIRCUIT	COURT FOR THE	CITY OF R	OANOKE	By known for far of
ROBERT EARL	HARRIS, JR.,		)		CITY OF ROANOKE
٧.	Plaintiff,	•	)	·	
	LTH CORP., et al.		)	Case No. C	L13-55
	Defendants		) )		

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

## EXHIBIT A

Case 1:13-md-02419-RWZ Document 1285-7 Filed 07/21/14 Page 88 of 164

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### **ORDER**

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014 DATE

/s/Rya W. Zobel RYA W. ZOBEL UNITED STATES DISTRICT JUDGE

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir. Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

		•	Oll 10011 001
			Received & Filed
VIRGINIA:			9:45 Am
	IN THE CIRCUIT COU	JRT FOR THE CITY OF ROA	NOKE IN U 6 ZUM
			one Typo
JULIAN D. HO	OLBROOK,	)	Deputy Clerk CITY OF ROANOKE
		)	CITY OF RUANUNE
•	Plaintiff,	)	
V.		)	
		) C	ase No. CL13-370
INSIGHT HEA	ALTH CORP., et al.	)	•
	•	)	
	Defendants.	)	
	=	,	

CIRCUIT COURT

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57679554 1.DOCX

## EXHIBITA

### Case 1:13-md-02419-RWZ Document 1285-7 Filed 07/21/14 Page 97 of 164

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts, pursuant to 28 U.S.C. § 157(b)(5):

		-	
Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
<ol> <li>Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.</li> </ol>	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert Earl Harris, Ir. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit   Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaums Pharmaceutical., LLC; et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Jr., Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

### Case 1:13-md-02419-RWZ Document 1285-7 Filed 07/21/14 Page 102 of 164

			CIRCUIT COURT
ŧ			Received & Filed
VIRGINIA:			JUN 0.6 2014 By Consue Parent
IN THE CIRC	UIT COURT FOR THE	CITY OF ROANOKE	Deputy Clerk CITY OF ROANOKE
CHESTER T. KALINOSKI,		)	OF HOANOKE
Plaintiff,		)	
V.		) Case No.	CL12-2574
${\tt INSIGHT\ HEALTH\ CORP.}, {\it et}$	al.	)	
Defendant	S.	<i>)</i>	

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

vbondurant@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57678497\_1.DOCX

## EXHIBITA

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

### UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### **ORDER**

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 2 of 3

2. **ORDERED** that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a

copy of this Order shall be filed in the Roanoke City Circuit Court and provided

to all parties-in-interest in each of the Pending Actions; and it is further

3. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City

Circuit Court shall thereafter promptly transfer the case file pertaining to each

Pending Action to the clerk of the District Court for the District of Massachusetts;

and it is further

4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any

and all actions necessary to effectuate the transfer of the Pending Actions

pursuant to this Order; and it is further

5. **ORDERED** that this Order shall not modify or in any way affect the automatic

stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall

remain in full force and effect pending further order of this court or the

bankruptcy court; and it is further

6. **ORDERED** that this Order is entered without prejudice to any position that the

Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay

any Pending Action or to render null and void the post-petition filing of any

Pending Action.

June 5, 2014 DATE

/s/Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 3 of 3

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

	Case	Docket No.	Filed	Court
<u> </u>	1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2.	2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3.	3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4,	4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5.	5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
9	6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7.	7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
∞.	8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9.	9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

			CIRCUIT COURT  Received & Filed
THE CURITY.			9:45Am
VIRGINIA:	IN THE CIRCUIT COU	JRT FOR THE CITY OF RO	DANOKE By amie 6 2014
PAULINE R.	MCFARLANE,	)	Deputy Clerk CITY OF ROANOKE
	Plaintiff,	)	
v.		)	Case No. CL12-2573
INSIGHT HE	ALTH CORP., et al.	)	Case No. CE12-23/3
	Defendants.	)	

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57678244\_1.DOCX

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014 DATE /s/Rya W. Zobel RYA W. ZOBEL UNITED STATES DISTRICT JUDGE

### EXHIBIT B

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

CaseDocket No.1. Trudy R. Epperly v. Insight Health Corp., et al.CL120025712. James Wirt Smith v. Insight Health Corp., et al.CL120025733. Pauline R. McFarlane v. Insight Health Corp., et al.CL120025734. Chester T. Kalinoski v. Insight Health Corp., et al.CL120025755. Barbara J. Filson v. Insight Health Corp., et al.CL120025756. Dana Marlene Bradley v. Insight Health Corp., et al.CL1300005767. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.CL130000548. Richard A. Whitlow v. Insight Health Corp., et al.CL130000559. Robert Earl Harris, Jr. v. Insight Health Corp., et al.CL1300005710. Randolph E. Smith v. Insight Health Corp., et al.CL13000057				
Vext Friends,		Jocket No.	Filed	Court
Vext Friends,		L12002571	12/28/2012	Roanoke City Circuit Court
Vext Friends,		L12002572	12/28/2012	Roanoke City Circuit Court
Vext Friends,		L12002573	12/28/2012	Roanoke City Circuit Court
Vext Friends,	Corp., et al.	L12002574	12/28/2012	Roanoke City Circuit Court
Vext Friends, ealth Corp., et		L12002575	12/28/2012	Roanoke City Circuit Court
vext Friends,		L12002576	12/28/2012	Roanoke City Circuit Court
	16	L13000009	1/2/2013	Roanoke City Circuit Court
		L13000054	1/7/2013	Roanoke City Circuit Court
	-	L13000055	1/7/2013	Roanoke City Circuit Court
		L13000057	1/8/2013	Roanoke City Circuit Court
11. Julian Delano Holbrook v. Insight Health Corp., et al.		L13000370	2/11/2013	Roanoke City Circuit. Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir. Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

Case 1:13-r	md-02419-RWZ	Document 1285-7	Filed 07/21/14	Page 120 of 164
3				CIRCUIT COUR
				Received & Filed
				9:45 Am
				/ JUN U 6, 2014 //
				By Kolseg L. L. M.
VIRGINIA:	DETERMINE	T COURT FOR THE	CITY OF DOANG	Deputy Clerk
	IN THE CIRCUI	1 COURT FOR THE	CITT OF KOAIN	OKE CITY OF ROANOKE
ODESSA M. SH	UCK	•	)	
01200011111, 011	ic cir,		)	
	Plaintiff,		)	
v.	307		)	
			) Case	e No. CL13-584
INSIGHT HEAI	TH CORP., et al.		)	
	•		)	
	Defendants.		)	

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia
To the United States District Court for the District of Massachusetts

Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq. Gentry Locke Rakes & Moore, LLP 10 Franklin Road, S.E., Suite 800 P.O. Box 40013 Roanoke, Virginia 24022-0013 Tel: (540) 983-9300 Fax: (540) 983-9400

Counsel for Plaintiff

sexton@gentrylocke.com

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57679356\_1

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1285-7 Filed 07/21/14 Page 124 of 164

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

### <u>ORDER</u>

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket #732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
•	UNITED STATES DISTRICT JUDGE

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

	Case	Docket No.	Filed	Court
1. Trudy R	Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James h	2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline	Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester	Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara	Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana M	Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachary Benjami al.	Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richard	8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert I	Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randolp	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian E	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir. Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	. 3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court
			•••

					Received & Filed
VIRGINIA:	IN THE CIRCUIT	COURT FOR THE	CITY (	OF ROANOKE	JUN 0 6 2014 By 11/11/15 11/16
JAMES WIRT S	SMITH JR		)		Deputy Clerk CITY OF ROANOKE
VIIIII WILL S	, ,		)		
v.	Plaintiff,		)		
			)	Case No.	CL12-2572
INSIGHT HEAL	LTH CORP., et al.		)		
	Defendants		)		

CIRCUIT COURT

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57678021 1.DOCX

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 2 of 3

2. **ORDERED** that a Notice of Removal and Transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further

- 3. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 3 of 3

### **EXHIBIT B**

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: [DATE OF REMOVAL] [LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

	Case	Docket No.	Filed	Court
1. Trudy	1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James	2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Paulin	3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Cheste	4. Chester T. Kalinosh v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbar	5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6. Dana l	6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7. Zachar Benjan al.	7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
8. Richar	8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9. Robert	9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10. Randoi	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
11. Julian	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 2 of 2

	DOCKET 140.	nam J	
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaumus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, CI	CL13000577	3/6/2013	Roanoke City Circuit Court
al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

	•		CINCOLL COURT
VIRGINIA:			Received & Filed
YIICOII III.	DITTIE CIDCILIE COL	IDT FOR THE CITY OF DA	7.42 AM
	IN THE CIRCUIT COU	JRT FOR THE CITY OF RO	JANOKE JUN 0 6 2014 /
			Plane & Lane Va
RANDOLPH E. SMITH,		)	Deputy Clerk
		)	CITY OF ROANOKE
	Plaintiff,	. )	
v.		)	•
		)	Case No. CL13-57
INSIGHT HEALTH CORP., et al.		)	'
		)	
	Defendants.	, j	

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

### CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq.
LeClair Ryan
1800 Wells Fargo Tower, Drawer 1200
Roanoke, Virginia 24006
Tel: (540) 510-3018
Fax: (540) 510-3050
john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57679712\_1.DOCX

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY LITIGATION

### ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 2 of 3

2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further

- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City
  Circuit Court shall thereafter promptly transfer the case file pertaining to each
  Pending Action to the clerk of the District Court for the District of Massachusetts;
  and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rva W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 3 of 3

### EXHIBIT B

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

### NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: [DA

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# **EXHIBIT** A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

		1 4	F - F - F - F - F - F - F - F - F - F -	1
	Case	Docket No.	Filed	Court
<u> </u>	1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
6,	2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3.	3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4.	4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
l v.	5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6	6. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7.	7. Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
જં	8. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9.	9. Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
$\square$	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Ir. Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

VIRGINIA:	IN THE CIRCUIT COUR	T FOR THE CITY OF ROANOK	ByKikbira & Jayxan
ROSE M. WHI	ITE,	)	Deputy Clerk  CITY OF ROANOKE
	Plaintiff,	)	
v.		) Case N	o. CL13-606
INSIGHT HEA	ALTH CORP., et al.	)	
-	Defendants.	)	

CIRCUIT COURT

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia
To the United States District Court for the District of Massachusetts

Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

57679060 1

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

## **ORDER**

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket # 732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. ORDERED that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. **ORDERED** that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	/s/Rya W. Zobel
DATE	RYA W. ZOBEL
	UNITED STATES DISTRICT JUDGE

# EXHIBIT B

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States

District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL]

[LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# EXHIBIT A

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

Case	Docket No.	Filed	Court
1. Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
2. James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3. Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4. Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5. Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
5. Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
<ol> <li>Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.</li> </ol>	CL13000009	1/2/2013	Roanoke City Circuit Court
3. Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
). Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
0. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
1. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court
			•

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaumus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Jr., Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court

VIRGINIA:	IN THE CIRCUIT COU	RT FOR THE CITY OF ROAN	IOKE Received & Filed
RICHARD A.	WHITLOW,	)	JUN O 6 2014
v.	Plaintiff,	)	Deputy Clerk  CITY OF ROANOKE
<b>Y</b> .		) Ca	ise No. CL13-54
INSIGHT HEA	ALTH CORP., et al.	)	
	Defendants.	)	

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated: June 5, 2014

From the Circuit Court for the City of Roanoke, Virginia To the United States District Court for the District of Massachusetts Respectfully submitted,

INSIGHT HEALTH CORP.

BY COUNSEL

Stephen D. Busch, Esq. (VSB No. 19580) Robert F. Redmond, Jr. Esq. (VSB No. 32292) Diane Flannery, Esq. (VSB No. 85286) Christopher E. Trible, Esq. (VSB No. 48847) Clement D. Carter, Esq. (VSB No. 46038) Samuel T. Towell, Esq. (VSB No. 71512) S. Virginia Bondurant, Esq. (VSB No. 76516) McGUIREWOODS LLP One James Center 901 East Cary Street Richmond, VA 23219 Telephone: (804) 775-1000 Facsimile: (804) 775-1061 sbusch@mcguirewoods.com dflannery@mcguirewoods.com rredmond@mcguirewoods.com ctrible@mcguirewoods.com ccarter@mcguirewoods.com stowell@mcguirewoods.com vbondurant@mcguirewoods.com

James F. Neale, Esq. (VSB No. 43060)
Heather L. Carlton, Esq. (VSB No. 84752)
McGUIREWOODS LLP
Court Square Building
310 Fourth Street, N.E.
Suite 300
Charlottesville, VA 22902-1288
Tel: (434) 977-2500
Fax: (434) 980-2222
jneale@mcguirewoods.com
hcarlton@mcguirewoods.com

Attorneys for Defendant Insight Health Corp.

# **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) was served on the following via First Class U.S. Mail and via electronic mail on this 5th day of June, 2014:

J. Scott Sexton, Esq.
Gentry Locke Rakes & Moore, LLP
10 Franklin Road, S.E., Suite 800
P.O. Box 40013
Roanoke, Virginia 24022-0013
Tel: (540) 983-9300
Fax: (540) 983-9400
sexton@gentrylocke.com

Counsel for Plaintiff

John T. Jessee, Esq. LeClair Ryan 1800 Wells Fargo Tower, Drawer 1200 Roanoke, Virginia 24006 Tel: (540) 510-3018 Fax: (540) 510-3050 john.jessee@leclairryan.com

Counsel for Defendants, Image Guided Pain Management, P.C.; Robert F. O'Brien, M.D.; and John M. Mathis, M.D.

# EXHIBIT A

Case 1:13-md-02419-RWZ Document 1173 Filed 06/05/14 Page 1 of 3

# UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

MDL NO. 13-02419-RWZ

IN RE: NEW ENGLAND COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY LITIGATION

## ORDER

June 5, 2014

ZOBEL, D.J.

Upon consideration of the Chapter 11 Trustee's renewed and supplemental motion (the "Motion") to transfer to this court additional personal injury tort and wrongful death cases pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 (Docket #732), and the memorandum in support thereof, the court found that notice of the Motion is proper and the relief requested in the Motion is in the best interests of the debtor, its estate, creditors, claimants, and other parties-in-interest. After due deliberation and sufficient cause appearing thereof, and for the reasons set forth in this court's memorandum of decision (Docket # 1131) dated May 15, 2014, the court allowed the Motion.

Accordingly, it is hereby

1. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the "Pending Actions") are removed and transferred to this court from the Roanoke City Circuit Court in which they are currently pending; and it is further

- 2. ORDERED that a Notice of Removal and Transfer, pursuant to 28 U.S.C. §

  157(b)(5), of each of the Pending Actions, in the form of Exhibit B hereto, and a copy of this Order shall be filed in the Roanoke City Circuit Court and provided to all parties-in-interest in each of the Pending Actions; and it is further
- 3. **ORDERED** that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the Roanoke City Circuit Court shall thereafter promptly transfer the case file pertaining to each Pending Action to the clerk of the District Court for the District of Massachusetts; and it is further
- 4. **ORDERED** that plaintiffs, defendants, and their counsel shall promptly take any and all actions necessary to effectuate the transfer of the Pending Actions pursuant to this Order; and it is further
- 5. ORDERED that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further order of this court or the bankruptcy court; and it is further
- 6. **ORDERED** that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

June 5, 2014	
DATE	

/s/Rya W. Zobel
RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

## EXHIBIT B

(Form of Notice of Removal and Transfer to be filed in the Roanoke City Circuit Court)

[APPROPRIATE CAPTION WITH PARTIES' NAMES AND CASE NUMBER]

# NOTICE OF REMOVAL AND TRANSFER PURSUANT TO 28 U.S.C. § 157(b)(5)

In accordance with the Memorandum of Decision entered on May 15, 2014, and the Order entered on June 5, 2014, by the Honorable Rya W. Zobel, United States District Court for the District of Massachusetts, notice is hereby given as follows:

Pursuant to 28 U.S.C. § 157(b)(5), the entire court case file pertaining to this action shall be transferred from the Roanoke City Circuit Court to the clerk of the District of Massachusetts. A copy of the Order is attached as Exhibit A.

Dated:

[DATE OF REMOVAL] [LOCATION]

Respectfully submitted,

[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

# Case 1:13-md-02419-RWZ Document 1173-1 Filed 06/05/14 Page 1 of 2

# **EXHIBIT A**

The following is a list of the Pending Actions transferred to the United States District Court for the District of Massachusetts,

pursuant to 28 U.S.C. § 157(b)(5):

	Case	Docket No.	Filed	Court
	Trudy R. Epperly v. Insight Health Corp., et al.	CL12002571	12/28/2012	Roanoke City Circuit Court
7.	James Wirt Smith v. Insight Health Corp., et al.	CL12002572	12/28/2012	Roanoke City Circuit Court
3.	Pauline R. McFarlane v. Insight Health Corp., et al.	CL12002573	12/28/2012	Roanoke City Circuit Court
4.	Chester T. Kalinoski v. Insight Health Corp., et al.	CL12002574	12/28/2012	Roanoke City Circuit Court
5.	Barbara J. Filson v. Insight Health Corp., et al.	CL12002575	12/28/2012	Roanoke City Circuit Court
6.	Dana Marlene Bradley v. Insight Health Corp., et al.	CL12002576	12/28/2012	Roanoke City Circuit Court
7.	Zachary Lucas Foutz, a Minor, by His Parents and Next Friends, Benjamin T. Foutz and Andrea L. Foutz v. Insight Health Corp., et al.	CL13000009	1/2/2013	Roanoke City Circuit Court
∞.	Richard A. Whitlow v. Insight Health Corp., et al.	CL13000054	1/7/2013	Roanoke City Circuit Court
9.	Robert Earl Harris, Jr. v. Insight Health Corp., et al.	CL13000055	1/7/2013	Roanoke City Circuit Court
10	10. Randolph E. Smith v. Insight Health Corp., et al.	CL13000057	1/8/2013	Roanoke City Circuit Court
<del></del>	11. Julian Delano Holbrook v. Insight Health Corp., et al.	CL13000370	2/11/2013	Roanoke City Circuit Court

Case	Docket No.	Filed	Court
12. Ronald T. Courtney v. Insight Health Corp., et al.	CL13000417	2/15/2013	Roanoke City Circuit Court
13. Ferman W. Wertz v. Alaunus Pharmaceutical., LLC, et al.	CL13000452	2/21/2013	Roanoke City Circuit Court
14. Patrick O. Johnston v. Alaunus Pharmaceutical., LLC, et al.	CL13000453	2/21/2013	Roanoke City Circuit Court
15. Ronald A. Brown v. Insight Health Corp., et al.	CL13000538	3/1/2013	Roanoke City Circuit Court
16. Robert Dana Bender, Executor of the Estate of Ralph James Irace, Jr., Deceased v. Insight Health Corp., et al.	CL13000577	3/6/2013	Roanoke City Circuit Court
17. Odessa M. Shuck v. Insight Health Corp., et al.	CL13000584	3/7/2013	Roanoke City Circuit Court
18. Rose M. White v. Insight Health Corp., et al.	CL13000606	3/8/2013	Roanoke City Circuit Court
19. Patricia S. Brown, et al. v. Insight Health Corp., et al.	CL13000607	3/8/2013	Roanoke City Circuit Court
20. Sandra F. Artis v. Insight Health Corp., et al.	CL13001105	5/10/2013	Roanoke City Circuit Court